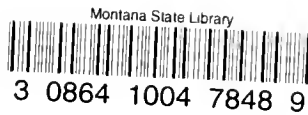


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STATE DOCUMENTS

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ANNUAL REPORT
OF THE
OFFICE OF ATTORNEY GENERAL

TO THE
GOVERNOR OF MONTANA
THE HONORABLE FORREST H. ANDERSON

for the
Fiscal Year Ended
June 30, 1972

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State of Montana
Office of The Attorney General
Helena 59601

November 1, 1972

ROBERT L. WOODAHL
ATTORNEY GENERAL

Honorable Forrest H. Anderson
Governor of the State of Montana
State Capitol
Helena, Montana 59601

Dear Governor Anderson:

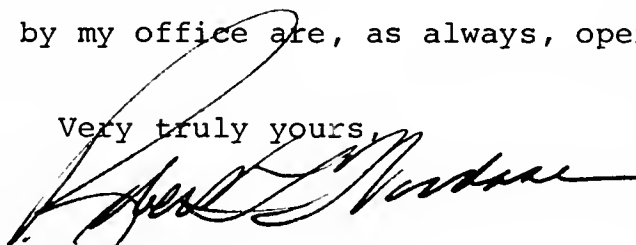
In accordance with the requirements of sections 82-401 and 82-4002, Revised Codes of Montana, 1947, and with the provisions of Department of Administration Management Memo 1-72-3, there is herewith transmitted to you the report of the Office of Attorney General covering the fiscal year ended June 30, 1972.

This office has as its goal to provide and supply legal services and representation to the state and its agencies. The following report provides a summary and highlights of this service and representation. In addition to the above-mentioned goal, the attorney general provides leadership and assistance to law enforcement agencies throughout the state of Montana through the use of the criminal investigation division and the law enforcement teletypewriter communications system.

I have also included in this report a summary of the activities of the offices of the county attorneys of the state. This information was received in response to my request, pursuant to section 82-401, R.C.M. 1947, for a report as to the condition of public business entrusted to their charge.

The docket books maintained by my office are, as always, open for your inspection.

Very truly yours,



ROBERT L. WOODAHL
Attorney General

RLW:dm

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PRINCIPAL OFFICES AND OFFICERS

OFFICE OF ATTORNEY GENERAL

Attorney General

ROBERT L. WOODAHL
1402 Jerome Place
Helena

Term of Office:
January 6, 1969 to January 1, 1973

Staff as of June 30, 1972

| <u>Name, Home Address</u> | <u>Title</u> |
|---|---|
| John W. Northey 1631 East Lyndale Helena | Chief Deputy Attorney General |
| John P. Connor, Jr. 1315 Boulder Helena | Assistant Chief Deputy Attorney General |
| Lawrence D. Huss Colorado Gulch Helena | Deputy Attorney General Civil Division |
| Charles Ed Laws 157 Fairway Drive Helena | Deputy Attorney General Criminal Division |
| J. C. Weingartner 415 South Fee Helena | Deputy Attorney General Appellate Division |
| Charles H. Dickman 1704 Eighth Avenue Helena | Assistant Attorney General |
| William N. Jensen 102 Stabern Helena | Assistant Attorney General |
| Charles C. Lovell 261 Rainbow Court Great Falls | Chief Counsel |
| Walter S. Murfitt 1508 Broadway Helena | Special Assistant Attorney General |
| Janet Capaldi North of Helena Helena | Executive Secretary |

| <u>Name, Home Address</u> | <u>Title</u> |
|--|------------------------------|
| Sandra L. Barnes 1711 Ninth Helena | Secretary |
| Donna M. Mix 5426 Birdseye Road Helena | Secretary |
| Donna J. Shaw North of Helena Helena | Secretary |
| C. R. Cutting Attorney General's Office Helena | Criminal Investigation Agent |
| Edward Martin Billings | Criminal Investigation Agent |
| Arnold Melnikoff 1044 South 4th West Missoula | Chemist |
| Don Smith Route 4, West Riverside Missoula | Chemist |
| Robert W. Batch 418 South Fee Helena | Director, L.E.T.S. |
| Marlene Vaughn 1115 Flathead Road Helena | Office Manager, L.E.T.S. |

PRINCIPAL OFFICE

State Capitol, Helena

L.E.T.S. OFFICE

1336 Helena Avenue
Helena

CRIMINAL INVESTIGATION LABORATORY

Wilma Building
Missoula, Montana

LEGAL REFERENCES

GENERALLY

The attorney general's office is constitutionally created and provided for in the provisions of Article VII of the Montana Constitution. The attorney general is also a member of several state boards and agencies as set forth in the Constitution and laws of Montana.

LEGAL SERVICES PROGRAM

The statutes relating to the operation of the legal services program are primarily contained in Title 82, chapter 4, Revised Codes of Montana, 1947. Various other constitutional and statutory provisions relate to the legal services program.

ESCHEATED ESTATES PROGRAM

The statutes relating to the operation of the escheated estates program are contained in Title 91, chapter 5, R.C.M. 1947.

CRIMINAL INVESTIGATION PROGRAM

The statutes relating to the operation of the criminal investigation program are contained in Title 82, chapter 4, R.C.M. 1947.

LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM PROGRAM

The statutes relating to the operation of the L.E.T.S. system are contained in Title 82, chapter 39, R.C.M. 1947.

PRINCIPAL GOALS

GENERALLY

The attorney general's office has as its goal to provide legal services and representation to the state and its agencies as well as leadership, assistance and cooperation in the field of law enforcement. He also is concerned with the interests of the state as a member of various state boards and agencies.

LEGAL SERVICES PROGRAM

Prosecute and defend all causes to which the state, or any officer thereof, in his official capacity, is a party; exercise supervisory powers over county attorneys in all matters pertaining to the duties of their offices; and to give opinions in writing to the legislative assembly, any state office, board or commission, any county attorney, and to the board of county commissioners of any county upon any question of law relating to their respective offices.

ESCHEATED ESTATES PROGRAM

Make investigations and conduct inquiries to determine whether there is property in the state of Montana which should escheat to the state of Montana, and to take all steps necessary to secure such escheat.

CRIMINAL INVESTIGATION PROGRAM

Assist city, county, state and federal law enforcement agencies at their request in the investigation and solution of felonies committed in the state, and to assist law enforcement schools held in the state.

LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM PROGRAM

Maintain a central law enforcement teletypewriter system and National Crime Information Center relay point which provides rapid communication between Montana and law enforcement communities throughout the nation, and which will give aid and assistance to law enforcement personnel within Montana.

MAJOR ACCOMPLISHMENTS

LEGAL SERVICES

1. Legal Representation for State Agencies and Officials.

During fiscal year 1972, the office of attorney general issued legal opinions and advised various state agencies, departments, and commissions as to their legal responsibilities and duties under the statutes of Montana. Approximately 40 state agencies regularly call upon the office of attorney general for legal advice and assistance. On behalf of state agencies or officers, the office of attorney general appeared in 63 civil cases during the past fiscal year to protect the interests of the state.

2. Representing the State in Criminal Appeals.

This office is also charged with the obligation of representing the state of Montana in criminal actions in appellate courts. Pursuant to section 82-401, R.C.M. 1947, the attorney general in the past fiscal year has represented the state in 45 criminal appeals before the Montana Supreme Court. Additionally, this office has represented the state in 3 habeas corpus actions in Montana district courts, as well as 9 habeas corpus actions in federal district courts, 6 in the Ninth Circuit Court of Appeals, and 3 actions in the United States Supreme Court.

3. Review Bond Proceedings.

Pursuant to sections 82-410 through 82-413, R.C.M. 1947, the attorney general has a responsibility to examine copies of all proceedings preliminary to the issuance of bonds by school districts, cities, towns and counties. During the last fiscal year, 37 transcripts of proceedings relating to bond issues have been examined. The proceedings involved general obligation bonds in the total amount of \$14,582,398.

4. Draft Model Rules for the Administrative Procedure Act.

The 1971 legislature enacted the Montana Administrative Procedure Act, contained in Title 82, chapter 42, R.C.M. 1947. Pursuant to the provisions of this act, the office of attorney general is charged with drafting model rules to be submitted to the office of the secretary of state as a guide for all state agencies. One staff attorney has drafted model rules which will be submitted to the secretary of state prior to December 31, 1972, the effective date of the act.

5. Involuntary Corporate Dissolution.

The 1967 legislature delegated to the attorney general

the duty to involuntarily dissolve corporations in violation of the provisions of chapters 22 and 23 of Title 15, R.C.M. 1947. It is estimated that from 10,000 to 20,000 corporations qualify for involuntary dissolution proceedings. Legal proceedings have been initiated against the first of these corporations certified for dissolution by the secretary of state in late 1970.

6. Consumer Protection.

While Montana does not have specific consumer protection legislation, the office of attorney general does attempt to assist Montanans who have consumer complaints. Several hundred complaints were investigated during the past year.

7. Annual Attorney General's Conference.

In May, 1972, the annual Attorney General's Conference was held for county attorneys and local law enforcement personnel. These conferences are directed to discussing and obtaining solutions to mutual problems arising from the enforcement of the criminal law in Montana. Approximately 130 law enforcement officials from Montana attended the conference.

8. Extraditions.

This office has also reviewed for the governor of the state of Montana the necessary paperwork for approximately 109 extraditions, prior to the actual extradition proceedings authorized by the governor.

9. Complaints Against Nonprofit Health Service Corporations.

Pursuant to statutory authority, sections 15-2304 and 40-2601, R.C.M. 1947, the attorney general's office has the responsibility to supervise the activities of nonprofit health service corporations in Montana. In so conducting this statutory responsibility in the past fiscal year, this office has corresponded with the various health service corporations on behalf of approximately 102 persons of this state in an attempt to clarify questions regarding insurance coverage, and to settle outstanding claims.

10. Anti-trust Action.

In 1969, the attorney general filed an anti-trust action in the United States district court against five major manufacturers of broad-spectrum antibiotics. This class action was brought on behalf of the state, as well as the people of the state, in an attempt to secure damages caused by monopolistic practices. The final settlement of this suit has been agreed to, and this office has submitted final distribution lists of Montana claimants for court approval.

ESCHEATED ESTATES

1. Revenue Realized.

During the period from July 1, 1971, to June 30, 1972, the Department of Revenue's records disclose that a total of \$53,127.17 was received by the state of Montana from escheats.

2. Defending Reciprocity Statute.

This office has continued to defend attacks against the Montana reciprocity statute, section 91-520, R.C.M. 1947.

3. Unclaimed Postal Savings Deposits.

Suit was filed in federal district court to claim for the state of Montana, as abandoned property, unclaimed postal savings deposits. As a result of this litigation Congress enacted legislation apportioning such deposits among the states. The suit has been dismissed without prejudice as the result has now been accomplished through legislation.

CRIMINAL INVESTIGATION DIVISION

1. The two criminal investigation agents employed by the division have opened over 150 new files in the past year concerning investigation assistance requested by local law enforcement agencies. In addition, the agents responded to several hundred requests for information.

2. The criminal investigation laboratory has handled an increasing number of requests for analysis of suspected drugs submitted by local law enforcement agencies. The two full-time chemists now employed in the laboratory have one of the highest rates of sample analysis per chemist of all the western states. Additionally, the chemists also serve as expert witnesses in drug prosecutions.

3. Almost \$40,000 of new laboratory equipment was added during the past fiscal year through an LEAA grant and matching state funds.

LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM

1. New Agency Director.

On November 22, 1971, Robert W. Batch, former acting sergeant with the Helena Police Department, assumed the duties of director of the Montana L.E.T.S. The former director had resigned the position in July, 1971.

2. Reduction in Line Costs.

With the cooperation of Mountain Bell, the director of Montana L.E.T.S. was able to add some of the more expensive terminals on the system to the GSA TELPAK lines, thus lowering the monthly communications costs enough to allow the hookup of new terminals.

3. Additional Terminals on the System.

With the savings in communications costs, Montana L.E.T.S. added three more terminals during the fiscal year. They are the West Yellowstone and Harlem police departments and the Carbon County sheriff's office.

4. Area Training Schools.

From information received through quarterly service reports to the system users, those stations in need of more training in a particular area may be determined. It has proved beneficial to hold training courses in a centrally-located city if several agencies in a particular area of the state have expressed a need for further training.

5. Increased Law Enforcement Communication Through Installation of State Radio Base Station.

A remote console was purchased by this office to aid law enforcement agencies that do not have teletype machines and need access to NCIC, and to give system users some other means by which they can contact L.E.T.S. if they are experiencing trouble or find that the teletype system is busy and they need rush information.

PROGRAM DESCRIPTIONS

LEGAL SERVICES

Goal. To provide legal services for state officers and agencies and to represent the state in criminal appellate cases.

Objectives. The major goal of this program is to maximize good legal representation to the state and its agencies. The expansion in state agency activities has increased the need for more legal services by this program to the agencies. Since criminal appellate cases have increased in complexity, this program must also exercise its representation on a greater scale.

Achievements. During the period of this report, the office of attorney general has advised various state agencies, departments, commissions and other offices as to their legal responsibilities and duties under the statutes of Montana.

The majority of the work performed by the office of attorney general consists of giving formal and informal legal advice to various state agencies. The attorney general has issued 37 official opinions to various state officials, state agencies and county officials during the past fiscal year. Official opinions are rendered in response to questions which may affect more than one state agency, or which are of such a nature as to be of continuing importance. Several hundred letter opinions were issued to state and county officials concerning legal problems they had encountered. Office records indicate that more than 2600 individual complaints and requests for specific information were investigated and answered by the office of attorney general. In addition, over 1400 form letters were sent to individuals requesting information regarding marriage, divorce, pornography, gambling and other matters relating to general Montana law.

The office of attorney general was also involved in over 63 civil proceedings in state and federal courts in the past year, representing the state and its officers. These suits included a successful defense to an attack upon the constitutionality of the reapportionment plan finally adopted by the forty-second legislative assembly, a successful defense against an attack upon the validity of the election adopting Montana's new constitution, and upholding the constitutionality of Montana's minimum wage law.

The appellate division of the office of attorney general represents the interests of the state in criminal appeals and habeas corpus proceedings. In most cases an assistant attorney general works on an appeal with the county attorney who was the initial prosecuting attorney. In the past fiscal year this office has represented the state in 45 criminal cases on appeal to the Montana Supreme Court. Additionally, this office has represented the state in 3 habeas corpus actions in Montana

district courts, as well as 9 habeas corpus actions in federal district courts, 6 in the Ninth Circuit Court of Appeals, and 3 actions in the United States Supreme Court. Over 109 extradition proceedings were reviewed by the office of attorney general during the past fiscal year. This office reviews the extradition papers for criminals outside the state of Montana prior to the actual extradition proceedings authorized by the governor. Also, extradition papers submitted from out of state for extradition of criminals within Montana are approved as to form prior to the issuance of a warrant by the governor.

Montana law requires that copies of all proceedings preliminary to the issuance of bonds by school districts, cities, towns and counties must be examined by the attorney general. This procedure insures compliance with Montana law and serves to give the bonds a higher rating, which means a lower interest rate which must be paid by Montana taxpayers. Recent United States Supreme Court decisions have struck down various taxpayer qualifications as a prerequisite to being eligible to vote at bond elections. This office drafted remedial legislation which was passed by the forty-second legislature to bring Montana statutes into compliance with the court decisions. In addition, Montana's new constitution deletes the taxpayer qualification for voters at bond elections. This action should clarify bond election law which has jeopardized the validity of bond elections in Montana recently.

The Montana Administrative Procedure Act was adopted by the forty-second legislative assembly, and the attorney general is required to draft model rules and submit them to the office of the secretary of state as a guide for state agencies. The model rules were drafted and will be circulated to state agencies for comment before they are submitted in final form to the secretary of state. The Act takes effect on December 31, 1972, and all state agencies have 60 days thereafter to submit their procedural and substantive rules to the secretary of state for publication.

The Montana profit and nonprofit corporation acts, contained in Title 15, chapters 22 and 23, R.C.M. 1947, provide for the involuntary dissolution of corporations not complying with the acts. The secretary of state is required to certify the names of noncomplying corporations to the attorney general, who is to institute involuntary dissolution proceedings. The first certifications were received in late 1970, and approximately 2700 have been certified as of June 30, 1972. Since certification, approximately 230 corporations have expired by operation of law. Another 130 have subsequently complied with the legal requirements and their names have been removed from the list. The initial involuntary dissolution proceedings were started in Montana district courts during the past fiscal year. Based upon these cases, form pleadings are being prepared to facilitate disposition of these cases.

The office of attorney general has attempted to assist

Montana consumers who have had consumer complaints. Even though Montana does not have specific consumer protection legislation, in over half of complaint situations, satisfactory results are obtained. The lack of specific consumer protection legislation severely limits the services which can be rendered to private individuals. However, even without consumer protection legislation, the office of attorney general investigated several hundred consumer complaints in the past fiscal year.

The Seventeenth Annual Attorney General's Conference was held in May, 1972, with the theme, "The Changing Scene in Law Enforcement." Topics discussed included forensic laboratory facilities, communications, criminal identification, pornography, drugs, prison administration and executive reorganization of state government as it will affect law enforcement. The purpose of these conferences is to provide discussion of areas of mutual concern and present experts in various fields to discuss new techniques in the law enforcement field. The turnout of over 130 law enforcement personnel for this conference indicates that there is great interest in further developing new techniques in Montana law enforcement circles.

The office of attorney general has the responsibility to supervise the activities of nonprofit health service corporations in Montana under the provisions of sections 15-2304 and 40-2601, R.C.M. 1947. More than 102 inquiries were received during the past fiscal year from members of group health plans, ranging from complaints concerning nonpayment of claims to requests for clarification of group health plan coverage. The attorney general's office does not have investigators on the staff to conduct field investigations, but staff attorneys gather the necessary information from the corporations, doctors and patients to determine the validity of each complaint. Most matters received in the office were satisfactorily resolved by the end of the fiscal year to insure compliance with contract provisions.

In 1969, the attorney general's office filed a class action on behalf of the state of Montana and all of its subdivisions and individual consumers claiming that they were overcharged for antibiotics from 1945 to 1966. The suit was originally filed in federal court in the district of Montana, but was subsequently transferred to the federal court of the southern district of New York for consolidation with other similar suits. A settlement figure was approved by the court, and the defendants were denied certiorari by the United States Supreme Court last year. Final settlement of this suit is now pending, and final distribution lists of Montana claimants have been submitted by this office. The state, political subdivisions thereof, and individual consumers in Montana will share a distribution of approximately \$237,000.

In addition, the attorney general serves as an ex-officio member of several state boards, and members of the attorney

general's staff serve on several quasi-judicial and advisory boards and councils.

Performance Indicators. More than 3000 letter opinions and replies to requests for information were issued during the past fiscal year. While exact figures are not maintained as to the number of letters written and number of requests handled, this figure represents an increase of approximately 500 over the preceding fiscal year. The office of attorney general also issued 37 official opinions, compared with 20 in the 1970-71 fiscal year.

The 63 criminal appeals and habeas corpus proceedings in which the office of attorney general represented the state of Montana is an increase from the 58 actions handled during the preceding year. The number of civil actions in which the office of attorney general represented the state, its boards, bureaus, agencies and public officials, increased from 54 actions during the 1970-71 fiscal year to 63 actions during the 1971-72 fiscal year.

The number of inquiries and complaints concerning health service corporations almost doubled, from 54 in the 1970-71 fiscal year to 102 in the 1971-72 fiscal year.

The number of transcripts of proceedings relating to the issuance of bonds increased from 17 in the 1970-71 fiscal year to 37 in the past fiscal year. The proceedings involved bonds in a total amount of \$14,582,398, compared with \$7,183,038 in the 1970-71 fiscal year.

ESCHEATED ESTATES

Goals. The escheated estates program of the attorney general's office represents the state on cases involving money and other property escheating to the state.

Objectives. To insure that money and property of deceased persons which is to pass to foreign heirs only passes to heirs in countries with which the United States has reciprocal agreements. A major goal of this program is to protect the state's interest in these cases.

Achievements. The major achievement of the escheated estates program has been the collection of \$53,127.17 during the past fiscal year for deposit in the state school fund.

The Montana reciprocity statute, contained in section 91-520, R.C.M. 1947, is continually defended to guarantee that monies legally due the state of Montana are collected. This office takes every action reasonably necessary and proper to preserve the effect of this statute.

Consular agreements and treaties between the United States and foreign countries must be continually reviewed for changes in reciprocity agreements which might affect escheated property in Montana. As the agreement or treaty in effect at the time of death governs the disposition of the property, it is necessary to maintain a continuing file of these agreements to insure that a proper determination is made concerning the disposition of the property.

A lawsuit previously filed in federal district court, Butte division, against the United States of America and others, to recover all unclaimed postal savings deposits where the last known address of the depositor is a Montana address, or where the funds were deposited in a Montana post office, has been dismissed without prejudice as a result of Congressional action. Subsequent to the filing of the suit, Congress enacted legislation apportioning such unclaimed funds among the various states. Montana has received over \$26,000, and a final distribution now pending should result in Montana receiving in excess of an additional \$40,000.

In fiscal year 1970-71, this office successfully upheld the right of the state to recover as abandoned property that portion of property of a corporation which related to unknown stockholders. As a result of this action, additional monies were received by the state during the 1971-72 fiscal year which were determined to be the share of unknown stockholders of another corporation. This precedent insures that the state will receive more monies from this source in the future.

Performance Indicators. The achievements mentioned above, particularly the collection of \$53,127.17 for the school fund, indicate the importance of the escheated estates division of the office of attorney general. The amount collected is some \$20,000 less than that collected in the previous year, but it is difficult to analyze and compare the performance of this program on a yearly basis as legal actions and collections are sporadic. However, to insure that the interests of the state are fully protected, continual attention is devoted to these matters.

CRIMINAL INVESTIGATION DIVISION

Goals. The criminal investigation program of the office of attorney general assists federal, state and local law enforcement agencies in the investigation and solution of crimes. This program operates a laboratory facility used primarily for the analysis of suspected drug samples and also assists in presenting law enforcement schools in the state.

Objectives. In addition to providing expert investigative and training assistance, a continuing goal of this program is to provide a complete forensic laboratory facility for law enforcement agencies throughout the state.

Achievements.

1. Criminal Investigation Agents. The two criminal investigation agents handle a continually-increasing number of requests for assistance. During the past fiscal year over 150 new case files were opened and worked. The agents travelled in excess of 80,000 miles within the state during the course of their investigations. Law enforcement officials were contacted in all 56 counties of the state during the course of these investigations.

While the majority of requests concerns narcotics and drug violations, there is a great variety in the type and origin of requests. Investigations included murder, assault, burglary, robbery, and other matters, as well as narcotics. Additional equipment is being purchased as the budget allows to provide additional service. A polygraph has been ordered for use on a statewide basis. It is hoped that both agents can receive training in the near future in its operation so that all law enforcement agencies that desire may have access to the equipment and a qualified operator.

2. Criminal Investigation Laboratory. During its second year of operation the criminal investigation laboratory greatly expanded its operation. At the beginning of the fiscal year, a second full-time chemist was added to the staff. The primary work of the two chemists is analyzing suspected drug samples submitted by local law enforcement agencies, and sometimes testifying in the cases involving the same. The number of requests for analysis almost doubled, from 548 in 1970-71 to 1020 in 1971-72.

Almost \$40,000 of additional equipment was ordered for the laboratory during the past fiscal year. The purchase was made possible by a grant from the Crime Control Commission and matching state funds. The laboratory now has the most up-to-date equipment of almost any laboratory in the northwest, and the number of samples per analyst examined is one of the highest in the western United States.

Due to the large number of drug standards and suspected drugs received by the laboratory, increased security has become necessary. Another federal grant and matching state funds have been used to order additional locking storage cabinets and an electronic alarm system.

Performance Indicators. The 150 new case files, 80,000-plus miles of travel, and contacts in all 56 counties indicate the activities of the criminal investigation agents. Laboratory activity is indicated by the number of samples analyzed, and a

month by month breakdown for the past fiscal year is as follows:

SAMPLES TESTED IN FISCAL 1971-72

| | | | |
|-----------|----|----------|------------|
| July | 46 | February | 85 |
| August | 56 | March | 129 |
| September | 78 | April | 94 |
| October | 78 | May | 79 |
| November | 89 | June | <u>138</u> |
| December | 60 | | |
| January | 88 | TOTAL | 1,020 |

LAW ENFORCEMENT TELETYPEWRITER COMMUNICATIONS SYSTEM (L.E.T.S.)

Goal. To develop and insure a coordinated statewide teletypewriter system connecting federal, state, county and city law enforcement agencies by teletype, and to provide information needed by these agencies.

Objectives. To provide an extensive and all-inclusive teletype system for law enforcement agencies in Montana. Major goals include assisting local agencies in securing connection to the system, maintaining an efficient operation of the existing system, and in providing additional services and information through the system.

Achievements. The number of teletype messages handled by L.E.T.S. has continued to increase, as shown under the performance indicator section of this report. In addition, the number of users of Montana L.E.T.S. has increased to 41 from 37 stations at the end of the 1970-71 fiscal year. The L.E.T.S. operation has a full-time staff of 7, and several part-time operators, who keep the system in operation 24 hours a day, 7 days a week.

Specifications have been drafted and bids requested on digital data electronic switching equipment which will automatically switch traffic between all terminals including NCIC and National L.E.T.S. In addition, this equipment will provide store and forward capabilities when any of the terminals are busy or not operational. An additional goal is to operate this system for the same communications costs as are presently being expended. Plans are being coordinated to provide additional information, such as driver's license and motor vehicle information, through such an improved system.

All active NCIC inquiries on wanted persons are checked through the confidential arrest records provided by the Bureau of Criminal Statistics to see if subject inquired on has any past record in the state of Montana. This service, done by teletype operators, acts as a kind of "mini-computer" and has been well received by the system users.

A stolen car hot sheet was started on December 1, 1971, and system users add to and delete from it as vehicles are reported stolen or recovered. This is sent to all agencies on the system and a copy forwarded to the National Auto Theft Bureau as well.

A law enforcement locator file naming the section heads or chief personnel of each law enforcement agency in the state is being established so that this information can be readily relayed to anyone requesting it.

This agency continued to place emphasis on training of personnel, and several schools were held around the state as well as in Helena. With the F.B.I. and the National Auto Theft Bureau participating in the training, benefits from these schools are quite noticeable through increased usage of the system.

Montana L.E.T.S. users now have the capability of inquiring into the Computerized Criminal History (CCH) portion of the NCIC computer for a subject's complete criminal history. This not only gives the number of times a person has been arrested, but his charges, convictions, court status and custody status, as well as a complete physical description.

Performance Indicators. Teletype message traffic is the performance indicator for the relay center and the following statistics are provided.

Fiscal year 1971-72 showed a total of 116,797 system transactions being completed through the NCIC computer by Montana L.E.T.S. users with a monthly average of 9,733. This compares with 48,011 during the nine months the system was operating in 1970-71. July, 1971, was the record month with 12,094 messages. Positive responses--"hits"--on the system totaled 305, with 43 for August, 1971.

Messages coming into Montana via National L.E.T.S. for the same period totaled 27,119, averaging out to 2,259 incoming N.L.E.T.S. messages per month. This compares with 20,785 during the nine months of operation in 1970-71. June, 1971, was high with 2,746, while the low month was October, 1971, with 1,362. Messages sent out of Montana over N.L.E.T.S. totaled 16,982, with a monthly average of 1,415, compared with 11,682 during the nine months of operation in 1970-71. The high month was August, 1971, with 1,625, and low was February, 1971, with 1,230.

PROGRAM COST SUMMARY

| <i>Program</i> | <u><i>Fiscal Year Costs</i></u> | | <i>Increase (or Decrease)</i> |
|------------------------|---------------------------------|----------------|-----------------------------------|
| | <i>1971-72</i> | <i>1970-71</i> | |
| LEGAL SERVICES | \$206,370 | \$212,092 | \$ (5,722) |
| ESCHEATED ESTATES | 12,566 | 12,115 | 451 |
| CRIMINAL INVESTIGATION | 93,891 | 65,852 | 28,039 ⁽¹⁾ |
| L.E.T.S. | 210,248 | 190,053 | 20,195 |
| | <hr/> | <hr/> | <hr/> |
| TOTAL | \$523,075 | \$480,112 | \$42,963 |

(1) Purchase of laboratory equipment and hiring a second full-time chemist.

PROGRAM COST DETAIL

| <i>Program</i> | <i>1971-72 FY Total</i> | <i>Personal Services</i> | <i>Operating Expenses</i> | <i>Capital</i> |
|------------------------|-----------------------------|------------------------------|-------------------------------|----------------|
| Legal Services | \$206,370 | \$172,309 | \$ 31,073 | \$ 2,988 |
| Escheated Estates | 12,566 | 12,054 | 512 | -0- |
| Criminal Investigation | 93,891 | 51,220 | 21,877 | 20,794 |
| L.E.T.S. | 210,248 | 49,834 | 158,780 | 1,634 |

SOURCES OF FUNDING 1971-72 FY

| | |
|--|-----------|
| General Fund | \$325,891 |
| Earmarked Revenue Fund | |
| Escheated Estates Account | 12,566 |
| Federal & Private Revenue Fund | |
| L.E.T.S. Account | 120,806 |
| Criminal Investigation Drug Operations | 22,170 |
| Revolving Fund | |
| L.E.T.S. Account | 41,642 |
| | <hr/> |
| TOTAL | \$523,075 |

COUNTY ATTORNEY REPORTS

Pursuant to the provisions of section 82-401 (5), R.C.M. 1947, the office of attorney general requested reports as to the business conducted by the respective county attorneys' offices during the past fiscal year. Reports were received from 49 of the 56 county attorneys. Following this narrative is a statistical summary of the legal actions handled by each county attorney. Those county attorneys who did not submit a report are indicated as not reporting.

Information was requested as to the number of drug prosecutions filed, and the disposition thereof; the number of felonies other than drugs, and the disposition thereof; and the number of civil actions prosecuted and defended by the office of each county attorney. Discrepancies between the number of actions filed and the disposition thereof is accounted for by cases which were still pending at the end of the fiscal year.

Also requested was information concerning the major problem areas and recommendations of each county attorney. Approximately one-third of the county attorneys submitted information in this regard. The four most frequently-mentioned problem areas were: bad checks, drugs, inadequate post-arrest investigations, and an insufficient number of personnel on the staff. Other problem areas mentioned were minor traffic violations, drunkenness arrests, juveniles and too liberal a parole policy. The three most frequently-mentioned recommendations were increased salaries, more law enforcement personnel, and increased investigation schooling of law enforcement personnel for prosecution purposes. Other recommendations included establishing a state-wide drug team, strengthening the parole system and upgrading justice of the peace courts.

A statistical summary of the county attorneys' reports follows.

COMPILATION OF 1972 COUNTY ATTORNEYS' REPORTS TO THE ATTORNEY GENERAL
For the period July 1, 1971 through June 30, 1972

| County | County Attorney | Drug-Related Prosecutions | | | | | Felonies Other Than Drug Cases | | | | Suspected Drug Samples | Civil Actions | |
|------------|-------------------|---------------------------|-------------|------------|------------|---------------|--------------------------------|------------|------------|----------------------|------------------------|---------------|----------|
| | | Charges Filed | Convictions | Acquittals | Dismissals | Charges Filed | Convictions | Acquittals | Dismissals | No. sent to C.R. Lab | | Initiated | Defended |
| Beaverhead | W. G. Gilbert | 1 | 1 | 0 | 0 | 19 | 15 | 0 | 3 | 0 | 0 | 0 | 8 |
| Big Horn | Douglas Freeman | | NOT | REPORTING | | | | | | | | | |
| Blaine | William M. Solem | 0 | 0 | 0 | 0 | 8 | 4 | 0 | 2 | 2 | 0 | 0 | 1 |
| Broadwater | Larry Foss | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 | 0 | 1 |
| Carbon | Arthur W. Ayers | 1 | 1 | 0 | 0 | 11 | 6 | 1 | 1 | 1 | 0 | 0 | 0 |
| Carter | James Anderson | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cascade | J. Fred Bourdeau | 38 | 26 | 0 | 7 | 118 | 73 | 7 | 19 | 0 | 0 | 0 | 0 |
| Chouteau | A. Evon Anderson | 0 | 0 | 0 | 0 | 14 | 11 | 0 | 3 | 0 | 2 | 0 | 0 |
| Custer | Wm. J. Krutzfeldt | 6 | 6 | 0 | 0 | 25 | 18 | 0 | 2 | 2 | 0 | 0 | 0 |
| Daniels | M. J. Traynor | | NOT | REPORTING | | | | | | | | | |
| Dawson | Kenneth Haag | 15 | 15 | 0 | 0 | 18 | 6 | 0 | 5 | 20 | 0 | 0 | 3 |
| Deer Lodge | Edward D. Yelsa | 3 | 3 | 0 | 0 | 10 | 9 | 0 | 1 | 1 | 0 | 0 | 0 |
| Fallon | Denzil R. Young | | NOT | REPORTING | | | | | | | | | |
| Fergus | William A. Spojá | 24 | 12 | 0 | 6 | 24 | 19 | 1 | 1 | 0 | 0 | 0 | 0 |
| Flathead | James Oleson | 36 | 21 | 0 | 9 | 105 | 45 | 1 | 22 | 78 | 9 | 2 | 2 |
| Gallatin | Thomas Olson | 27 | 19 | 0 | 6 | 41 | 30 | 0 | 5 | 34 | 28 | 4 | 4 |

COMPILATION OF 1972 COUNTY ATTORNEYS' REPORTS TO THE ATTORNEY GENERAL
For the period July 1, 1971 through June 30, 1972

| COMBINATION OF 1972 COUNTY ATTORNEYS' REPORTS TO THE ATTORNEY GENERAL | | | | | | | | | | | | | |
|---|-------------------|---------------------------|--------------|-------------|------------|--------------------------------|--------------|-------------|------------|--------------------------|---------------|----------|--|
| For the period July 1, 1971 through June 30, 1972 | | | | | | | | | | | | | |
| County | County Attorney | Drug-Related Prosecutions | | | | Felonies Other Than Drug Cases | | | | Sus-pected Drug Sam-ples | Civil Actions | | |
| | | Charges Filed | Convic-tions | Acquit-tals | Disms-sals | Charges Filed | Convic-tions | Acquit-tals | Disms-sals | | Initiated | Defended | |
| Garfield | Andrew G. Sutton | 0 | 0 | 0 | 0 | 3 | 2 | 0 | 0 | 1 | 1 | 2 | |
| Glacier | J. Allen Bradshaw | 1 | 0 | 0 | 0 | 26 | 11 | 0 | 8 | 0 | 0 | 2 | |
| Golden Valley | Robt. C. Letcher | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | |
| Granite | William Sheehan | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | |
| Hill | Ronald W. Smith | 4 | 2 | 0 | 1 | 59 | 23 | 2 | 32 | 9 | 20 | 6 | |
| Jefferson | Allan Lemieux | 10 | 8 | 0 | 2 | 6 | 8 | 0 | 0 | 30 | 1 | 2 | |
| Judith Basin | Paul J. Murphy | 1 | 1 | 0 | 0 | 4 | 2 | 0 | 2 | 0 | 0 | 1 | |
| Lake | Richard Heinz | NOT | REPORTING | | | | | | | | | | |
| Lewis&Clark | Thomas Dowling | 8 | 5 | 0 | 1 | 71 | 41 | 1 | 11 | 8 | 164 | 180 | |
| Liberty | Paul C. Bunn | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | |
| Lincoln | William Douglas | NOT | REPORTING | | | | | | | | | | |
| Madison | Chester Jones | 4 | 4 | 0 | 0 | 6 | 2 | 0 | 4 | 5 | 1 | 0 | |
| McCone | Robert Hoover | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | |
| Meagher | Richard Conklin | 0 | 0 | 0 | 0 | 20 | 15 | 3 | 2 | 0 | 65 | 5 | |
| Mineral | Walter Murphy | 2 | 2 | 0 | 0 | 7 | 2 | 0 | 4 | 0 | 1 | 0 | |
| Missoula | Robert Deschamps | 74 | 28 | 1 | 10 | 240 | 48 | 3 | 99 | 276 | 53 | 4 | |

COMPILATION OF 1972 COUNTY ATTORNEYS' REPORTS TO THE ATTORNEY GENERAL

For the period July 1, 1971 through June 30, 1972

| County | County Attorney | Drug-Related Prosecutions | | | | | | Felonies Other Than Drug Cases | | | | | Suspected Drug Samples | Civil Actions | |
|-------------|------------------|---------------------------|-------------|------------|------------|---------------|-------------|--------------------------------|------------|------------------|-----------|----------|------------------------|---------------|--|
| | | Charges Filed | Convictions | Acquittals | Dismissals | Charges Filed | Convictions | Acquittals | Dismissals | No. sent to C.I. | Initiated | Defended | | | |
| Musselshell | Roy Rodeghiero | 0 | 0 | 0 | 0 | 8 | 4 | 1 | 3 | 0 | 0 | 1 | | | |
| Park | Jack Yardley | 5 | 4 | 0 | 0 | 11 | 9 | 0 | 1 | 16 | 0 | 1 | | | |
| Petroleum | Leonard McKinney | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | |
| Phillips | Willis M. McKeon | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 | 0 | | | |
| Pondera | David H. Nelson | 3 | 0 | 0 | 2 | 8 | 5 | 0 | 1 | 5 | 0 | 1 | | | |
| Pwdr. River | Robert Brooks | 0 | 0 | 0 | 0 | 7 | 4 | 1 | 2 | 0 | 5 | 1 | | | |
| Powell | M. K. Daniels | 3 | 1 | 0 | 1 | 23 | 7 | 3 | 6 | 3 | 0 | 1 | | | |
| Prairie | Cecil N. Brown | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 1 | 1 | 0 | | | |
| Ravalli | Larry Persson | 3 | 1 | 0 | 1 | 42 | 20 | 1 | 7 | 0 | 0 | 0 | | | |
| Richland | Victor G. Koch | 3 | 2 | 0 | 0 | 9 | 5 | 0 | 0 | 0 | 0 | 3 | | | |
| Roosevelt | James McCann | 0 | 0 | 0 | 0 | 10 | 9 | 0 | 1 | 0 | 0 | 2 | | | |
| Rosebud | Wm. Meisburger | 0 | 0 | 0 | 0 | 25 | 21 | 2 | 0 | 1 | 0 | 0 | | | |
| Sanders | Alex Morrison | NOT | | REPORTING | | | | | | | | | | | |
| Sheridan | Thomas Darland | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 1 | 1 | | | |
| Silver Bow | Larry Stimatz | 13 | 4 | 0 | 5 | 65 | 26 | 1 | 17 | 7 | 1 | 7 | | | |
| Stillwater | Wm. Blenkner | 2 | 2 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | | | |

